

APPLICATION: MA/10/1741 Date: 4 October 2010 Received: 30 March 2011

APPLICANT: Mr N Neseiyif

LOCATION: 7, HAZELWOOD DRIVE, MAIDSTONE, KENT, ME16 0EA

PARISH: Maidstone

PROPOSAL: Amended scheme to planning permission on MA/09/0508 (single storey extension with converted roofspace to south elevation) having revised scale and alterations to fenestration shown on a site location plan and drawing no. 07/05/10/+1 received on 07/10/10 and drawing no. 1102/04 received on 30/03/11.

AGENDA DATE: 30th June 2011

CASE OFFICER: Louise Welsford

The recommendation for this application is being reported to Committee for decision because:

- Councillor Malcolm Robertson has requested it be reported for the reason set out in the report.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H18.
- South East Regional Plan 2009: BE1.
- Government Policy: PPS1.

2. HISTORY

- 2.1 09/0508 - Erection of single storey extension with converted roof space to south elevation – Approved
- 2.2 The development constructed on site is not in accordance with the plans approved under 09/0508, and this application has therefore been submitted.
- 2.3 Copies of the drawings from application 09/0508 are attached as an appendix.
- 2.4 Application 09/0508 was a re-submission of application MA/08/1288, which was for a part single storey and part two storey extension and which was refused.
- 2.5 The only other history is for the erection of the estate.

2.6 No 50 Roseleigh Avenue, to the east, obtained planning permission for a two storey rear extension in November 2008 (prior to the previous application 09/0508 on site). Since application 09/0508 was submitted, this extension has been built. However, it was capable of being implemented prior to the decision on 09/0508 and would therefore have been considered in the determination of that application.

3. REPRESENTATIONS

3.1 Councillor Malcolm Robertson:

"If you are minded to approve this application, please report it to the Planning Committee for the reasons set out below.

This amended application is retrospective. The building has knowingly been built NOT in accordance with the agreed plans and initially without reference back to the Planning Authority.

The amended design is considerably greater in terms of enclosed volume and in terms of the massing effect upon the street-scene, the neighbours, and the neighbourhood. The original design was marginal in its acceptability in this respect. The new design is excessive and should be refused".

3.2 Objections have been received from 4 neighbouring properties, raising the following objections:-

- Loss of residential amenity, including loss of light, overshadowing, loss of privacy/overlooking and loss of outlook, plus too close to properties in Roseleigh Avenue.
- Visual appearance
- Scale, bulk and over-dominant
- Out of character
- Drainage
- Inaccuracies in plans
- Maintenance

4. CONSIDERATIONS

Site and Situation

- 4.1 The application site contains a two storey, detached dwelling. It is located within the urban area of Maidstone, in Allington Ward. The subject dwelling is situated to the east of a turning head in Hazelwood Drive and originally, No.s 7 and 8 had single storey wings facing the turning head, set at right angles to the main house.
- 4.2 Dwellings in the vicinity are mainly detached, but their layout does not have a fixed or uniform pattern. Single storey wings at right angles to the main house are not a regular feature of the area. Building lines are generally regular, but not all buildings front the road. (Some are at right angles to it).
- 4.3 This part of Allington is densely developed. In the wider context, horizontal, flat roofed dormers to first floors are a fairly common feature.

5. PLANNING HISTORY CONSIDERATIONS

- 5.1 Planning permission was granted under reference MA/09/0508 for an extension to the south elevation. This comprised garaging and accommodation to the ground floor and further accommodation within the roof space, being served by a dormer to the west elevation. The dormer was shown to have a pitched and hipped roof. The extension was shown to replace a single storey garage wing, set at right angles to the main house.
- 5.2 An extension has been constructed on site, but this does not accord with the plans approved under reference MA/09/0508. However, planning permission MA/09/0508 could still be implemented and is therefore a very significant fallback position.

6. PROPOSAL

- 6.1 This is a retrospective application which seeks planning permission for the extension which has been constructed on site.
- 6.2 The development comprises an extension to the south elevation, again with accommodation upon two floors (including within the roofspace) and garaging to the ground floor. A dormer with a pitched and hipped roof has been constructed to the west elevation. As stated above, the development does not accord with the permission granted under application MA/09/0508.
- 6.3 Officers have visited the site on a number of occasions and have checked the measurements of the development as built against the submitted plans. A

number of sets of drawings have been submitted, and it is now considered that the most recently submitted plans give a fair representation of what has been constructed on site. The actual impact of the development can also be assessed from the site and surroundings, because it has been built.

- 6.4 Below is a summary of key dimensions of the previously approved development (MA/09/0508) and the development as built, for which consent is now sought. All measurements stated are approximate.

	Approved under MA/09/0508	As Built
Depth	7m	7.6m
Width	11.1m	11.2m
Eaves height to east and west elevations	2.5m	2.5m
Eaves height to south elevation	3.3m	3.6m
Ridge height	5.7m	5.9m
Distance from fence to east	0.3m – 0.5m	0.3-0.5m
Distance from fence to south	0.3m	0.25-0.3m
Width of Dormer	6m	6m
Height of Dormer	2m	2.5m

- 6.5 Key changes therefore relate to the increase in overall ridge height (approximately 0.2m), increase in depth (approximately 0.6m), change in eaves height to south elevation (approximately 0.3m) and increase in the mass of the dormer, due to its additional height (approximately 0.5m).

7. PLANNING CONSIDERATIONS

- 7.1 The key issues arising from this proposal are, firstly, the impact upon residential amenity of the neighbouring properties and, secondly, the visual impact of the development upon the character and appearance of the locality.

8. RESIDENTIAL AMENITY

- 8.1 The main issues relating to residential amenity are light and outlook.
- 8.2 The property which is most affected by the proposal is No. 50 Roseleigh Avenue, directly to the east of the development. No. 8 Hazelwood Drive also adjoins the development to the south and No.s 48 and 75 Roseleigh Avenue, to the north east and south east respectively, are in close proximity.

- 8.3 The extension is positioned very close to the rear boundary of No. 50 Roseleigh Avenue. The boundary is at a slight angle, and the development is estimated to be at most approximately 0.5m from the boundary and in places somewhat less (approximately 0.3m). There is a step in the rear wall of the development and its roof.
- 8.4 The development is also of substantial height being approximately 5.9m to ridge.
- 8.5 However, it is important here to note the fallback position. The extant permission allowed for a development of a similar distance from the boundary and with a ridge height of approximately 5.7m. The eaves height of both proposals remains similar at approximately 2.5m. This is a very significant material consideration, as this scheme could still be implemented.
- 8.6 In summary, the main differences affecting residential amenity are that the ridge height is approximately 0.2m higher and the part of the rear wall which is stepped out is between approximately 0.1m and 0.2m closer to the boundary.
- 8.7 A loss of light test has been undertaken in accordance with a method referred to in the British Research Establishment report "Site Layout Planning for Daylight and Sunlight". This test is based on the elevations of the buildings and takes a 25 degree angle between the buildings. In carrying out this test, the difference in land levels between the site and No.50 Roseleigh Avenue has been taken into account. (The site is approximately 30cms higher than No. 50 Roseleigh Avenue). The loss of light test clearly does not show a significant loss of light to No. 50 Roseleigh Avenue.
- 8.8 The part of the development which is approximately 20cms higher than approved is around the ridge level, which is around 4m from the boundary with No.50 Roseleigh Avenue. The eaves height remains in line with the previous approval.
- 8.9 The increase in height over the approved height is less than 4% of the overall height. The change in distance from the eastern boundary, being a maximum of approximately 20cms, is also a small change, although I accept that No.50 Roseleigh Avenue's rear garden is not large (approximately 9m in depth).
- 8.10 On balance it is considered that the scale of the changes is such that the development has not resulted in a significant loss of light to, overshadowing of, loss of outlook for, or overbearing impact upon, No. 50 Roseleigh Avenue, of such a level as to warrant and justify a refusal on grounds of harm to residential amenity.
- 8.11 The difference in the impact of the current scheme and the previously approved scheme is considered very minimal.

- 8.12 The development is visible to Nos. 48 and 75 Roseleigh Avenue, but I do not consider that it has resulted in a significant loss of outlook for these properties, additionally because it is not directly in line with them but to the north and south. These properties are further from the development than No.50.
- 8.13 It is noted that No.48 already looks out onto a solid two storey wall of the original house of No. 7 and, to my mind, this is the more dominant feature for its outlook (even though it is set further back from No.48). However, the extension does not extend along No. 48's side boundary, so I do not consider that No.48 is unacceptably "hemmed in" by development or has an unacceptable outlook.
- 8.14 It is considered that No. 8 Hazelwood Drive has not experienced a significant loss of light, overshadowing, loss of outlook or overbearing impact, because the development lies to the north of No. 8 and is adjacent to what is mainly a garage wing, rather than the main house.
- 8.15 Turning to privacy, new openings to the west elevation face the road and that to the north faces the garden of the site. There are no windows to the south elevation.
- 8.16 There is a window to the east elevation, measuring 1200mm x 1200mm, but this is obscure glazed and stated to be non-opening. This would not, therefore, cause a significant loss of privacy.
- 8.17 It is noted that an obscure glazed window (with a top opening fanlight) of approximately 0.9m x 1.2m was approved to the east elevation under the previous consent.

9. VISUAL IMPACT

- 9.1 In visual terms, the increase in overall height of approximately 0.2m is not easily discernible. The increase is less than 4% of the overall height. In my view, this extra height does not render the extension significantly less subservient to the original house or visually intrusive in the streetscene.
- 9.2 The depth of the extension has been increased by approximately 0.6m and this has resulted in the extension being sited further westwards, towards the road. However, it is still set back by approximately 20m from the turning head of the road and this extra depth of the extension has not, in my view, rendered the development significantly more prominent in the street.
- 9.3 The dormer to the west elevation has been increased in depth from approximately 2m to 2.5m, which has, in turn, increased the mass of the dormer. However, the dormer is still set down from the ridge by approximately

0.3m, as previously approved and from the road, the ridge is visible above the dormer. It is also important to note here that in the wider area, horizontal, flat roofed dormers to first floor front elevations are part of the character. I do not consider that this proposal is significantly out of character with the wider surroundings and, given the character of the general locality, I do not consider the dormer to be so dominant upon the roofslope as to cause such significant visual harm as to justify a refusal, on balance.

- 9.4 The additional volume of the dormer is estimated to be approximately 1.5 cubic metres, which is a low figure in relation to the overall mass of the development. Due to the scale of the changes, the additional bulk of the development is not considered to result in a development which is so dominant in the streetscene as to justify a refusal, on balance.
- 9.5 The materials which had been used are a good match for existing materials and are not of obtrusive colouring.

10. OTHER ISSUES

- 10.1 Due to the nature and scale of the changes since the approved scheme, there are no new parking issues.
- 10.2 Representations have been received questioning the accuracy of the submitted plans. As stated, officers have visited the site on a number of occasions and have checked the measurements against what has been built. The most recently submitted plans are considered to give a fair representation of what has been built. In addition, the development can also be assessed from the site and surroundings because it has been built.
- 10.3 Maintenance is not a material planning consideration. Drainage is dealt with by Building Regulations, and on this size of development, the development is not considered to result in such significant drainage issues as to warrant refusal.

11. CONCLUSION

- 11.1 I have considered all of the issues raised in representations and have assessed the application upon its own merits.
- 11.2 This is very much a balanced case. On balance, the proposed changes to the approved scale and design of the extension are not considered to have resulted in such significant harm to residential amenity or to the character of appearance of the locality such as to warrant and justify refusal. Approval is therefore recommended.

12. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The proposed window to the east elevation shall be maintained as obscure glazed and incapable of being opened;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers, in accordance with Policy H18 of the Maidstone Borough-Wide Local Plan 2000 and PPS1.

2. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the east elevation of the extension hereby permitted.

Reason: To prevent overlooking to adjoining property and to safeguard the privacy of the occupiers in accordance with Policy H18 of the Maidstone Borough-Wide Local Plan 2000 and PPS1.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.